

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) 03 MDL No. 1570 (RCC)
) ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANT SHEIKH HAMAD AL-HUSAINI'S
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Hamad Al-Husaini. I submit this declaration to transmit to the Court the following documents submitted in support of Mr. Al-Husaini's motion to dismiss (Apr. 8., 2004), and his reply brief submitted in support of his motion to dismiss (July 23, 2004):

1. Exhibit 1 to Mr. Al-Husaini's motion to dismiss is a copy of the Declaration of Sheikh Hamad Al-Husaini (March 30, 2004), and authenticated translation, with the Declaration of Bassim Alim (April 4, 2004) thereto.
2. Exhibit 2 to Mr. Al-Husaini's motion to dismiss is a copy of P. Mendenhall, "Seeking bin Laden in the Classifieds," MSNBC, online at <http://www.msnbc.msn.com/id/3340393> (Oct. 24, 2003).
3. Exhibit 1 to Mr. Al-Husaini's reply brief is a copy of the Witness Statement of Jean-Charles Brisard, filed in the English case of Mahfouz v. Beaton, *et al.* (Q.B. May 21, 2003).
4. Exhibit 2 to Mr. Al-Husaini's reply brief is a copy of the English court decision in

Al Rajhi Banking & Inv. Corp. v. Wall St. J. Europe, 2003 WL 21554735 (QBD), [2003] EWHC 1776 (Q.B. Jul. 21, 2003).

5. Exhibit 3 to Mr. Al-Husaini's reply brief is a copy of the English court decision in Jameel v. Times Newspapers Limited, [2003] EWHC 2609 (Q.B. Nov. 7, 2003).

6. Exhibit 4 to Mr. Al-Husaini's reply brief is a copy of the English court decision in Mahfouz v. Brisard, [2004] EWHC 1735 (Q.B. Jul. 1, 2004).

7. Exhibit 5 to Mr. Al-Husaini's reply brief is a copy of the English court decision in Jameel v. Wall St. J. Europe, 2004 WL 62083 (QBD), [2004] E.M.L.R. 11, [2004] EWHC 37 (Q.B. Jan. 20, 2004).

8. Exhibit 6 to Mr. Al-Husaini's reply brief is a copy of excerpts from the Public Papers of the Presidents of the United States: Ronald Reagan, 1987, at 1324-25 (Nov. 12, 1987); id., 1988, at 449, 452-53 (Apr. 13, 1988); id., at 488, 490 (Apr. 21, 1988); id. at 610, 614 (May 19, 1988); id. at 1656-57 (Dec. 27, 1988).

9. Exhibit 7 to Mr. Al-Husaini's reply brief is a copy of excerpts from the Library of Congress' Congressional Research Service, CRS Report for Congress, "Afghanistan: Post-War Governance, Security, and U.S. Policy" (June 15, 2004).

10. Exhibit 8 to Mr. Al-Husaini's reply brief is a copy of excerpts from the Library of Congress' Congressional Research Service, CRS Issue Brief, "Afghanistan: Status, U.S. Role, and Implications of a Soviet Withdrawal" (May 20, 1988).

11. Exhibit 9 to Mr. Al-Husaini's reply brief is a copy of the U.S. Department of State, "U.S.-Soviet Joint Statement on Afghanistan" (Sept. 13, 1991), 2 U.S. Dep't of State Dispatch 683 (1991).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 23, 2004.

/s/ Alan R. Kabat

ALAN R. KABAT